

ISSUES AND ANSWERS: ROLE AND FUNCTIONS OF THE SENIOR U.S. FOREIGN INTELLIGENCE OFFICER

ISSUE

1. What should be the role and position of the senior U.S. foreign intelligence officer? What key organizational factors and management or other responsibilities will make this officer most effective?

POSITION OF SELECT COMMITTEES

2. The Senate and House Select Committees have not yet held hearings which relate to this paper. Individual staff members of both committees appear to favor a stronger role for the DCI, especially in fiscal matters.

DISCUSSION

3. Analyses approaching book-length have been written on various aspects of the problem posed by this issue. The approach taken in this paper is to omit detailed analysis or debate on the pros and cons of various alternatives. Instead, focus is put on the identification of the basic elements of the problem and feasible alternatives within each element.

4. The result has been development of the attached tabulation organized as follows:

<u>Element</u>	<u>No. Alternatives</u>	<u>Type Identifier</u>
Position in Executive Branch Hierarchy	4	I-IV
Relation to National Security Council	6	A-F
Operational Responsibilities	4	1-4
Fiscal Responsibilities	4	a-d
Responsibilities for Guidance re Information Requirements	6	(1)-(6)
Responsibilities for Production of National Intelligence	4	(a)-(d)
Responsibilities re Covert Action	5	1.-5.
Inspector General Role	3	a.-c.
Relations with the Congress	3	1/-3/
Relation to the USIB and IRAC	5	a/-e/

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5. From the tabulation, many thousands of possible combinations of roles and functions can be identified, each differing from the other in at least one of the alternatives listed.

RECOMMENDATION

6. It is recognized that agreement on a set of alternatives which the DCI should support will require considerable study and discussion, both within the Executive Branch and, as appropriate, with Committees of the Congress. As basis for such study and discussion, it is recommended that the DCI approve the concept of a senior U.S. foreign intelligence officer identified from the attached tabulation by the following symbols:

III B 2 a (3) (b) 3. c. 1./ a./

7. This formula translates into the following description of the proposed role and functions of the senior U.S. foreign intelligence officer:

III. Director of Central Intelligence (or other appropriate title) who serves as operational head of the central intelligence organization and as the senior U.S. foreign intelligence officer, but is not a member of internal White House Staff organization.

(This would be a continuation of the present position of the DCI, but with enhanced responsibilities, as indicated below.)

B. Intelligence Advisor to the NSC and chairman of the NSC Intelligence Committee.

2. Serves as the operating head of the CIA, and as the Executive Agent of the Government for the overall management and direction of the NSA and the NRO.

a. Develops, reviews and approves budgets for the CIA, NSA and NRO and prepares recommendations concerning the budgets of other Intelligence Community organizations. Is responsible for maximum national-departmental interaction in development of his fiscal program. Submits the overall intelligence budget to the President, through OMB. Defends before Congress the President's budget for the Intelligence Community.

(This would remove approval of the NSA and NRO budgets from the Defense Department.)

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- (3) Develops and issues guidance concerning information requirements for national intelligence; reviews the adequacy with which collection requirements developed by all elements of the Community reflect his guidance, and makes recommendations as to necessary improvements.
- (b) Is responsible to the President for approving all national intelligence products and for the evaluation of the quality and responsiveness of such products to national needs, but shares the actual production responsibilities with other agencies.

(This assumes the senior U.S. foreign intelligence officer is also the operating head of the CIA, which retains its present production responsibilities.)

3. Serves as a member of the 40 Committee (or its equivalent), participates in the review of covert action proposals, and is responsible for the conduct of covert actions as the Director of the CIA.

- c. Has no Community-wide Inspector General role.

- 1./ Is the chief spokesman before Congress for the Intelligence Community, including defense of the President's budget for intelligence activities and for provision of national intelligence products to the Congress in a manner worked out with the Congress and its Committees.

- a./ Serves as chairman of both the USIB and the IRAC, with these bodies continuing to have their present responsibilities.

(This assumes the senior U.S. foreign intelligence officer is responsible both for national intelligence products and for preparation of the NFIP.)

PROPOSED ACTION

8. It is recommended that the role and functions of the senior U.S. foreign intelligence officer as outlined in paragraphs 6 and 7 above be used as the basis for:

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- a. Discussions within the White House on the Administration position with respect to forthcoming legislation and/or Executive Orders;
- b. Presentations by Executive Branch officials to the Senate and House Select Committees;
- c. Public statements by influential friends and supporters of a strong U.S. foreign intelligence program;
- d. Private discussion, as appropriate, with Senators and Congressmen who are interested in preserving a strong U.S. foreign intelligence capability.

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Attachment:
as stated

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TABULATION OF BASIC ELEMENTS AND RELATED ALTERNATIVES
WHICH DEFINE POSSIBLE FUNCTIONS AND RESPONSIBILITIES
OF THE SENIOR U.S. FOREIGN INTELLIGENCE OFFICER

Position in Executive Branch Hierarchy

- I. Special Assistant to the President (or other appropriate title) on the White House Staff
- II. Secretary of a Department of National Intelligence with Cabinet status
- III. Director of Central Intelligence (or other appropriate title) who serves as operating head of the central intelligence organization and as senior U.S. foreign intelligence officer, but is not a member of the internal White House Staff organization. (This would be a continuation of the present position of the DCI.)
- IV. The concept of a senior U.S. foreign intelligence officer is abandoned. (The DCI, Secretary of State and Secretary of Defense would each serve as intelligence advisors to the President within their present spheres of operational responsibility.)

Relation to the National Security Council

- A. Full member of the NSC and chairman of the NSC Intelligence Committee.
- B. Intelligence Advisor to the NSC and chairman of the NSC Intelligence Committee.
- C. Advisor to the NSC and member of the NSCIC and other NSC committees/groups. (The current role of the DCI.)
- D. Advisor to the NSC, but not a member of the NSCIC.
- E. Member of the NSCIC, but not a participant in NSC sessions.
- F. No direct contact with the NSC or its committees/groups.

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Operational Responsibilities

1. Serves as the Executive Agent of the Government for the overall management and direction of all major national intelligence collection programs--but not as the operating head of any of them. (The Secretary of Defense would no longer be Executive Agent for the NSA and NRO programs. The Senior U.S. foreign intelligence officer would not be the operating director of CIA.)
2. Serves as the operating head of the CIA, and as the Executive Agent of the Government for the overall management and direction of the NSA and the NRO.
3. Serves as the operating head of the CIA, but has no Executive Agent or other operational responsibilities for any other national program.
4. None. (The senior U.S. foreign intelligence officer would have no operating or Executive Agent responsibilities, and the Director of the CIA would be a separate official.)

Fiscal Responsibilities

- a. Develops, reviews and approves budgets for the CIA, NSA and NRO and prepares recommendations concerning the budgets of other Intelligence Community organizations. (This would remove approval of the NSA and NRO budgets from the Defense Department.) Is responsible for maximum national-departmental interaction in development of his fiscal program. Submits the overall intelligence budget to the President through OMB. Defends before Congress the President's budget for the Intelligence Community.
- b. Reviews and approves budgets for all elements of the national intelligence program. (This would leave development of program budgets as a departmental or agency responsibility as at present--the new factor being that approval by the senior U.S. foreign intelligence officer would be required.) Submits the overall intelligence budget to the President, through OMB. Defends before Congress the President's budget for the Intelligence Community.
- c. Reviews and forwards to the President, through OMB, his recommendations concerning the overall national foreign intelligence program for those elements of the program for which he does not have operating responsibility, and is responsible for maximum national-departmental interaction in development of the program recommendations. (This would be a continuation of the present DCI role as regards the NFIP, since he now approves the CIA budget and makes recommendations concerning other elements of the NFIP.)

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Departmental proposals would not require approval of the senior U.S. foreign intelligence officer.

d. None. (The concept of an NFIP would be abandoned.)

Responsibilities Concerning Requirements for Intelligence Information

(1) Develops, approves and issues all requirements for the collection of national intelligence information for all major collection systems--SIGINT, imagery and human source.

(2) Develops and issues guidance concerning information requirements for national intelligence.

(3) Develops and issues guidance concerning information requirements for national intelligence; reviews the adequacy with which collection requirements developed by all elements of the Community reflect his guidance, and makes recommendations as to necessary improvements.

(4) Conducts a continuing detailed review of specific intelligence collection requirements as developed by various elements of the Community, assesses completeness of the requirements lists with respect to national intelligence needs, and submits recommendations for additions or deletions to the managers of collection activities.

(5) Reviews and evaluates the effectiveness and adequacy of the procedures used within various elements of the Intelligence Community for the development and approval of collection requirements.

(6) None.

Responsibilities for Production of National Intelligence

(a) Has sole responsibility for the production of national intelligence and is the operating head of the production organization.

(b) Is responsible to the President for approving all national intelligence products, and for the evaluation of the quality and responsiveness of such products to national needs, but shares the actual production responsibilities with other agencies. (This assumes the senior U.S. foreign intelligence officer is also the operating head of the CIA, which retains its present production responsibilities.)

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(c) Has no production responsibilities, but is responsible for providing guidance to the Intelligence Community as to intelligence needs and priorities, and for the review and evaluation of the resulting national intelligence products.

(d) None.

Responsibilities for Covert Action

1. Heads the 40 Committee (or its equivalent) and develops recommendations for Presidential approval/disapproval of covert action proposals, but has no operational role in direction of covert actions.

2. Serves as a member of the 40 Committee (or its equivalent) and participates in review of covert action proposals, but has no role in directing conduct of covert actions.

3. Serves as a member of the 40 Committee (or its equivalent), participates in the review of covert action proposals, and is responsible for the conduct of covert actions as the Director of the CIA.

4. Serves as a member of the 40 Committee (or its equivalent), participates in the review of covert action proposals, and is the operating head of a special covert action organization separated from the CIA.

5. None.

Inspector General Role

a. Supported by his own IG Staff, is responsible for the conduct of such investigations as he considers appropriate, including those which will assure all organizations involved in foreign intelligence are complying with legislative and Executive Order restrictions on their activities, particularly as regards the rights of U.S. citizens. Provides the President with periodic reports for forwarding to the Congress.

b. Conduct no inspections, but be provided copies of reports prepared by the Inspectors General of the separate intelligence organizations. Based on his review of these documents, provide the President with periodic reports for forwarding to the Congress.

c. None.

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Relations with the Congress

1./ Is the chief spokesman before Congress for the Intelligence Community, including defense of the President's budget for intelligence activities and the provision of national intelligence products to the Congress in a manner worked out with the Congress and its Committees.

2./ Is the chief spokesman before Congress for the Intelligence Community on budget matters, but has no role with respect to the provision of substantive national intelligence to the Congress.

3./ Provides to the Congress only such information as the Congress may from time-to-time request; has no initiative responsibilities.

Relation to the USIB and the IRAC

a./ Serves as chairman of both the USIB and the IRAC, with these bodies continuing to have their present responsibilities. (This assumes the senior U.S. foreign intelligence officer is responsible both for national intelligence products and for preparation of the NFIP.)

b./ USIB and IRAC would be abolished, and the senior U.S. foreign intelligence officer charged to develop proposals for whatever advisory boards he considers are needed for his support.

c./ Serves as chairman of USIB, but has no relation to IRAC. (This assumes the senior U.S. foreign intelligence officer is responsible for national intelligence production, but not for preparation of the NFIP.)

d./ Serves as chairman of IRAC, but has no relation to USIB. (This assumes the senior U.S. foreign intelligence officer is responsible for the NFIP, but has no intelligence production responsibilities.)

e./ None. (USIB continues to exist as advisory to the officer responsible for the production of national intelligence. IRAC's continued existence would depend on the allocation of responsibility for preparation of the NFIP.)

ISSUE OPTIONS AND ACTIONS

ISSUE: Should a capability for covert action be retained, and if so, where should responsibility for conduct of covert actions reside?

CONGRESSIONAL COMMITTEE POSITIONS:

SENATE SELECT COMMITTEE: Not known, but is expected to support retention of a capability, but require Congressional approval for operations.

HOUSE SELECT COMMITTEE: Not known, but likely to be same as above.

OPTIONS

NOTE: It can be assumed that the Executive and Legislative Branches will reach some agreement with respect to the existence of, the basis for, and the control of covert actions conducted by the U.S. Government.

The essential element is the preservation and nature of the clandestine collection and foreign counter-intelligence functions--for the organization having responsibility for such will possess the potential capability for the Government to undertake covert action when approved by appropriate authorities.

The key element of this issue, therefore, is where should the capability for clandestine collection of foreign intelligence reside.

The options for location of the Clandestine Service are:

1. Within the DDO as part of a CIA organized basically as at present.
2. Separation of the Clandestine Service from the central intelligence organization charged with production of national intelligence, with the Director of the Clandestine Service responsible directly to the White House.
3. Transfer of the Clandestine Service to the Department of State.

4. Transfer of the Clandestine Service to the Department of Defense.

5. Transfer of the Clandestine Service to the Department of Justice.

PROPOSED ACTION:

Develop a memorandum which the DCI could present to the White House, or to the Select Committees, when the timing appears appropriate.

ACTION RESPONSIBILITY: DDO/CIA

VII
ISSUE OPTIONS AND ACTIONS

ISSUE: How should national intelligence estimates be produced?

CONGRESSIONAL COMMITTEE POSITIONS:

SENATE SELECT COMMITTEE: Senator Mondale has publicly argued for resurrection of the Board of National Estimates. The SSC Staff has been exploring the history of estimates production and reviewing NIEs.

HOUSE SELECT COMMITTEE: Not known.

OPTIONS:

NOTE: Options concern the organizational structure, the organizational location and the coordination and approval process.

1. Structure options:

a. Use the individual expert approach--the NIO concept.

(1) With a staff of sufficient size actually to produce the NIEs.

(2) Without a support staff, with a requirement for draft inputs from production organizations of the Community.

b. Use the generalist approach--reconstitute a board comparable to the old BNE.

(1) With a staff of sufficient size to produce the NIE drafts.

(2) Without a support staff, and consequent dependence on Community inputs.

c. Use an ad hoc approach--with NIE drafts prepared by task groups formed to produce individual estimates.

2. Location options:

a. Create a special NIE staff for the senior U.S. intelligence officer if he is other than the head of the CIA.

b. Maintain as a special staff of the DCI, whichever structure option (NIO/BNE or other) is adopted.

c. Locate within the production organization of the CIA.

3. Coordination/approval options:

a. Approval by the senior U.S. intelligence officers a personal responsibility.

b. Approval by the NSCIC.

c. Approval through the USIB structure as at present.

d. Issuance by the production organization, with clear indication as to differing views (NIO, BNE, or other) with clear indication as to differing views of any dissenting production elements.

PROPOSED ACTION:

It can be expected that before the Select Committee hearings are over the matter of production of national intelligence will be a subject of committee consideration, and the DCI should have a position paper which he can use to present his views.

ACTION RESPONSIBILITY: D/DCI/NIO

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MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : Production of National and Other
Intelligence Estimates

1. Problem

How can national and other intelligence estimates best be produced.

2. Position of Congressional Committees

a. The Senate Select Committee Staff has been reviewing NIEs over a long period, and exploring the history and problems of the production of estimates. Several former ranking CIA officials (e.g., John McCone) have argued for a BNE in interviews with the Senate Staff. Senator Mondale has publicly argued for recreating the BNE, reflecting some Senate Staff sentiments.

b. Position of the House Select Committee is not known. The inference from numerous questions addressed to General Wilson, [] was that several members admire the old-style NIEs and methods of producing them, believe the NIOs are too engaged in day-to-day business for systematic long-term thinking, are skeptical that NIOs have sufficient authority in the Agency/Community to get the job done, and wonder about their ability to withstand policy pressures on estimates.

c. On the other hand, two House Staffers who have been briefed on the NIO system and are studying estimates have professed themselves impressed with it and with the steps being taken to improve it.

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3. Discussion of Options

a. This question tends to be debated in either/or terms, i.e., "Are NIOs better than BNE or visa versa?" This is probably a false dichotomy, certainly an unnecessarily restrictive one. One may wish to choose either an NIO or a BNE system; one does not have to. In terms of symbols, there is a tendency on the Hill and in parts of press to glamorize the BNE as synonymous with objectivity and wisdom, NIOs with the obverse. Whatever his personal inclinations, no knowledgeable person thinks in these simplistic terms. The matter is further complicated by charges (Mondale speech) that Nixon caused the abolition of BNE for ideological reasons--charges which are not true.

b. President Nixon had nothing to do with the abolition of the BNE. Ideology was not a factor in the decision to replace the Board with the NIOs, nor was any alleged dissatisfaction with the content of the BNE's analytic judgments. The schematic outlines of the NIO system were developed by Dr. Schlesinger while he was DCI and conceptually elaborated by Mr. Colby after Dr. Schlesinger's departure.

c. Mr. Colby felt he needed an NIO structure to assist him in the discharge of his substantive responsibilities as head of the Intelligence Community. He was sensitive to the view widely (often strongly) held outside of CIA that under the BNE/ONE system, the drafting of national estimates was a monopoly closely guarded as such by a single Community component.

d. At the time Mr. Colby decided he needed an NIO-type structure, the BNE was under-strength. The DCI decided not to appoint new members to the BNE and thus risk establishing two entities with overlapping functions but, instead, to fold the NIE production supervision function into his new NIO concept, hoping that the new structure could also serve as a device for doing a number of things the BNE had never been asked to do and a device for knitting the Community together.

e. In actuality, therefore, the NIOs were set up in 1973 to perform a cluster of functions deriving from the DCI's mandate to lead the Community and from Mr. Colby's own felt need for close substantive support in certain geographical and functional areas. The NIOP responsibilities include production of NIEs and other estimates, but many other things as well. Their NIE responsibilities were assigned partly to offset charges that ONE had too monopolistic a role in drafting NIEs.

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f. The BNE was established in 1951 to produce National Estimates period. As it evolved, and as it developed a sophisticated staff, it broadened its activities to include a variety of analytical and estimative functions and speculative work in addition to NIEs--both coordinated within the Community and unilaterally for the DCI or at his request.

g. Thus, NIO and ONE functions overlap in part but only in part.

(1) NIOs do a variety of staff support jobs for the DCI, look at substantive affairs from his point of view, are active in consumer relations and in grey area between substance and management (KIQ-KEP, etc.). The NIOs and their assistants are specialists in their subjects of responsibility--through broad-gauged specialists. They employ regular production offices in CIA and elsewhere to get jobs done. Personnel are drawn from senior- and middle-level substantive experts of CIA, State and the services, with some infusion of talent from outside Government.

(2) ONE was based on the concept of a small group of very senior generalists, civilian and military, removed from current and administrative responsibilities, charged with thinking ahead substantively. They served, individually and collectively, as the DCI's executive agents for producing National Estimates and other estimative products. BNE was supported by a small substantive staff which did the drafting, helped by departmental contributions. As ONE evolved, relative importance of staff grew.

h. Whether considered empirically in the light of experience or conceptually, the NIO and BNE systems each show a mixture of advantages and disadvantages, with preponderance depending on which cluster of functions one considers most important.

(1) Little doubt exists in light of two years' experience, that the DCI, charged with his present mandate to lead the Community, needs something like NIOs as substantive staff officers. He would probably need them all the more if he or a super-senior intelligence officer receives a strengthened mandate for leadership of the Community. NIOs, as a channel between policy consumers and intelligence producers, have also proved their usefulness in making intelligence more responsive to consumer needs and in helping the DCI prioritize Community's substantive effort.

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(2) There is also little doubt, in light of experience, that NIOs do not have enough time and staff support to deal systematically with long-term problems. They have had difficulty getting quality estimates drafted--especially when problems cut across geographic specialities, when outside agencies are asked to do the job, or when time pressures are urgent. The press of daily responsibilities is not compatible with the sustained attention needed for thoughtful long-term estimating. Sustained proximity to high policy makers could interface with rigorous independence and objectivity. (In practice, there has been little evidence of improper policy pressures and NIOs independence has been vigorously asserted when the need arose.)

(3) In summation, NIOs have clearly proven useful to the DCI and have clearly also helped in fine-tuning the intelligence effort to policy makers' needs. These improvements have been made at some cost in systematic provisions for long-run, pressure-free estimating and for handling problems across geographic and functional lines.

4. The Range of Options

a. Conceptually, options range from the extreme of keeping the present NIO system without a staff to abolishing it in favor of an enhanced BNE. The sensible options probably lie between these poles and admit many design variations in terms of composition, function, administrative location, subordination, etc. Illustratively, these variations include:

(1) Clarify and reinforce each NIO's authority to commandeer drafting and other substantive support from all appropriate CIA offices and other agencies.

(2) Organize a drafting staff for the NIOs--either qua staff or attached as needed to particular NIOs.

(3) Make the NIOs a more collegial substantive body to strengthen capacity for estimates which cross geographical or functional lines.

(4) Add three or four generalist NIOs without specific geographic or functional responsibilities.

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(5) Establish a substantive review group drawn from CIA, State, DoD and outside--convening regularly or on call--to review estimates prepared under NIO auspices.

(6) Establish an office of estimates apart from, but parallel with, the NIOs. It would be composed of a small group of senior generalists with a small substantive staff for drafting and specialized support, both elements drawn from within and outside the Community, to act as executive agent for estimates' production, a quality control mechanism and long-range think tank. It would free NIOs for customer relations, substantive and quasi-management duties in support of the DCI or other senior officials, etc.

(7) Establish an enhanced Board of Estimates, complete with "eminent and highly qualified intelligence analysts, diplomats and statesmen... not susceptible to White House or parochial agency pressure." (Mondale) Give it a strong staff which, inter alia, would perform many of the present NIO functions.

5. Recommendations

N.B. Any recommendations on this issue must take account of the DCI's needs, the climate in the White House and in the Congress, and past experience and anticipated requirements. No two people will see these in precisely the same light. Considering all the factors, two alternatives seem sensible:

a. 4a(6) above (an office of estimates parallel with the NIO structure). This has the merit of real and visible change (intrinsically desirable in present context), but not too much change. It is sufficiently flexible to meet all or most of the desiderata associated with other options. It would cost some money and slots not presently available, and these would have to come out of other resources being cut back. It should be headed up by someone, ideally an outside civilian, not identified with BNE or NIO system, who could claim the confidence of Congress and the academic/think tank community as well as of the DCI and Executive Branch. Its working relationship with the NIOs would need precise and thoughtful clarification.

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b. A mixture of 4c(2), (3), (4) and (5) above (drafting staff for NIOs, a more collegial NIO process, two or three generalist NIOs and/or a review group for quality control and generalist perspective.) This would build on the present structure and help repair present deficiencies. It would cost somewhat less than the other recommended option. It would help free the present NIOs for what they do best. It would be criticized as cosmetic tinkering rather than real change, but that criticism would not be fatal.

6. Proposed Action

Neither of these steps would require legislation and either could be accomplished by Executive Order or DCI directive. But much depends on what functions are to be maximized and especially on whether a new senior intelligence officer is created, where he would sit, etc. Unless and until the DCI concurs in one of these recommendations, or directs another line of approach, there is no basis for action. If he should approve either of the recommended approaches, a small task force should be established to blueprint a workable plan. The group should initially include representatives of NIO office, ICS, DDI, and perhaps DDA. A second phase would involve elements of the Community. The planning phase could be accomplished in a couple of weeks.

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VIII
ISSUE OPTIONS AND ACTIONS

ISSUE: How can the Executive and Legislative Branches best be assured that foreign intelligence activities are conducted with due respect to the constitutional rights of American citizens?

CONGRESSIONAL COMMITTEE POSITIONS:

SENATE SELECT COMMITTEE: The focus on "abuse" areas is strong indication that corrective legislation is contemplated.

HOUSE SELECT COMMITTEE: Concern about intelligence "abuses" is expected to result in legislative proposals.

OPTIONS

1. Issuance of an Executive Order by the President titled, "Establishing Restrictions on Foreign Intelligence Activities."

(Several drafts of an E.O. on this subject have been reviewed, and it can be expected that an E.O. will be forthcoming in the near future. This option appears, in fact, to be in process of execution.) *4/2*

2. Despite issuance of an E.O. (or even because of it) the Congress will write into statute specific restrictions on intelligence activities which may be the same as, or more stringent than, the E.O. It cannot be expected that any legislation will be less restrictive than the E.O. *102*

3. Because of the issuance of a Presidential E.O., the Congress will desist from legislating on specific restrictions concerning foreign intelligence activities which could impinge on the constitutional rights of citizens. (This option is considered quite unrealistic.)

PROPOSED ACTION:

In the light of restrictions contained in the Executive Order now approaching final form, the DCI should be prepared to comment on legislative proposals which would extend or augment provisions of the E.O. In particular, he should be prepared to comment on the impact which various possible restrictions could have on the effectiveness of the foreign intelligence effort. To this end, a position paper should be prepared for his use.

ACTION RESPONSIBILITY: OGC/CIA in coordination with the General Counsels of the various elements of the Intelligence Community and the Department of Justice.

yes